

Appendix III-1: Technical Assistance

A. Air Resources Division

As a result of the 1990 Amendments to the Clean Air Act ("1990 CAAA"), many small businesses have been brought into the formal environmental regulatory process. Small businesses are affected by regulations to control three types of air pollution: criteria pollutants (ozone, carbon monoxide, particulate matter, nitrogen oxides, sulfur dioxide, and lead), air toxic pollutants (chemical pollutants that are known to cause or are suspected of causing serious health effects, including cancer), and stratospheric ozone depleters (chlorofluorocarbons and hydrochlorofluorocarbons).

Many small businesses have limited financial and technical resources available for compliance activities. In order to comply, the businesses need low- or no-cost compliance assistance. In accordance with the 1990 CAAA, DES established the Small Business Technical Assistance Program ("SBTAP") to work with small business owners to develop solutions to air-related environmental problems. DES has taken this further by establishing the Small Business Ombudsman to work with small businesses in all areas regulated by DES. This non-regulatory program provides confidential information about regulatory requirements and practical, cost-effective technical assistance to encourage compliance with environmental regulations.

The Air Resources Division is also committed to providing technical assistance to larger facilities through assistance with permit and regulatory, review of control equipment strategies, and modeling of air emissions impacts.

B. Waste Management Division

The Waste Management Division (WMD) implements numerous technical assistance efforts to assist regulated entities in complying with requirements applicable to managing solid and hazardous wastes and protecting groundwater. Examples of such efforts include the solid waste operators certification program and the annual Consultants Day program for improving the quality of remedial projects around the State. These initiatives plus the WMD's other ongoing technical assistance efforts are explained in more detail below.

Solid Waste Management

The Solid Waste Management Bureau (SWMB) regularly offers technical assistance for:

- Closure of solid waste facilities;
- Financial assistance for closure of unlined landfills;
- Financial assurance for solid waste facilities;
- Permitting of solid waste facilities;
- Management of inactive asbestos disposal sites; and
- General compliance with both federal and state solid waste regulations.

Assistance is provided in three primary formats: general guidance/training programs, fact sheets, and individual meetings directed at specific projects. The SWMB also often participates in pre-permit application meetings to provide information specific to solid waste permitting issues.

2 Hazardous Waste Management

In addition to other duties, the Hazardous Waste Compliance Section (HWCS) implements New Hampshire's hazardous waste management program. The primary function of the HWCS is compliance assurance, which is achieved through a three part approach: compliance monitoring, compliance assistance, and education/outreach. The HWCS provides technical assistance to the regulated community through each of these components.

Compliance monitoring is accomplished by inspecting a facility to assess its compliance with applicable requirements. Through inspections, HWCS staff can provide immediate on-site technical assistance to a limited degree to the regulated community. As a result of the inspection, facility personnel have a specific contact at HWCS upon whom they can rely for technical assistance in the future. Inspections also are an effective way to refer companies to the DES Pollution Prevention Program for help with waste minimization efforts.

Other forms of compliance assistance are also available to hazardous waste handlers. The Hazardous Waste Compliance Assistance Telephone Hotline and the toll-free Used Oil Hotline handled over 1,100 calls in federal fiscal year 1998. These Hotlines are available for the regulated community to receive information and guidance on the Hazardous Waste Rules and related compliance issues from technically-knowledgeable HWCS personnel. Information that can be sent in response to calls to the Hotlines includes fact sheets relating to the management and recycling of specific wastes, summary sheets on the Hazardous Waste Rules, and copies of EPA and DES hazardous waste policy or regulatory interpretation letters. Callers can also get access to networks with other state and federal agencies. Another form of technical assistance is the HWCS's Regulatory Policy Binder (RPB) of hazardous waste regulatory interpretation letters to help answer questions from the regulated community and ensure consistent decision making. The RPB consists of the letters HWCS has issued in response to requests for a written clarification on specific requirements of the Hazardous Waste Rules. A HWCS letter to one company often can be used to respond to subsequent requests from other companies.

Revisions to the Hazardous Waste Rules are drafted as needed to make the rules more understandable and to encourage better waste management practices (e.g., universal waste standards, hazardous waste recycling, and collection requirements for household hazardous waste). Compliance assistance is also provided to municipalities in the form of grants to establish or improve used oil collection centers. Municipalities may use these funds to purchase or build infrastructure such as storage tanks, secondary containment, and protective structures, which help a facility better manage used oil in compliance with state regulations.

The HWCS actively engages in education/outreach efforts for the regulated community. For example, the Permitting Subsection within the HWCS provides engineering support and technical assistance as required, for instance when requests are received for hazardous waste permits or for waivers to hazardous waste rules. The HWCS provides additional training to the regulated community through workshops, conferences, and frequent speaking engagements. And finally, HWCS uses the DES Web site to provide the public with quick and easy access to the latest rules, regulatory interpretations, and outreach efforts.

3. Pollution Prevention (P2)

The Pollution Prevention and Education Section houses the New Hampshire Pollution Prevention Program (NHPPP) and the Household Hazardous Waste (HHW) Program. The NHPPP promotes pollution prevention to New Hampshire businesses and citizens, while the HHW Program promotes the proper management of consumer-generated hazardous materials and wastes.

The NHPPP is a non-regulatory assistance program which promotes pollution prevention through a variety of outreach and education efforts. The NHPPP provides P2 information and technical assistance directly to stakeholders through on-site visits, training, and responses to telephone requests received through its toll-free phone line (1-800-273-9469). The Program maintains a WEB site of P2-related information, and houses an Information Clearinghouse that contains a P2 library, searchable databases, and copies of technical reports, case studies, and vendor information. The NHPPP also provides a variety of training opportunities ranging from an annual pollution prevention conference (co-sponsored with UNH) and workshops on specific topics to presentations at other events such as the annual conference of the Safety & Health Council of New Hampshire. In addition, the NHPPP offers assistance through several partnerships with organizations such as UNH and the Small Business Development Center.

The HHW Program offers both outreach and grant funding to promote the proper management and disposal of household hazardous waste. The Program provides a total of \$250,000 annually in grants to municipalities and regional organizations for the purpose of funding HHW collection events and the development of permanent HHW collection projects, such as the Nashua and Keene permanent HHW collection facilities. The Program offers educational materials, such as the HHW brochure, to promote source reduction and proper disposal of consumer products containing hazardous components. Outreach efforts consist of a HHW Web page as well as numerous training presentations through DES's Solid Waste Facility Operator Certification Program and events such as DES's Annual Solid Waste Conference.

4. Reporting and Information Management

The Reporting & Information Management Section (RIMS) provides technical support for all issues relating to EPA's Resource Conservation Recovery Information System (RCRIS) and hazardous waste rules and activities. RIMS offers training sessions annually to the regulated community and other interested persons, to further their understanding of the Quarterly, Annual and Biennial Reports. In the future, RIMS anticipates adding additional training sessions to address other RCRIS Reporting and Information Management topics.

In addition, RIMS provides assistance to the regulated community regarding hazardous waste manifesting by providing proper interpretations of the hazardous waste manifest rules and by ensuring that regulated entities meet applicable state and federal requirements. RIMS assists internal stakeholders by generating reports, compiling information, and supporting DES's Geographic Information System (GIS). The section also aids external stakeholders by responding to requests under New Hampshire's right-to-know law, RSA 91-A.

5. Planning and Community Assistance

The Planning and Community Assistance Section (PCAS) houses a diversity of programs. The section's primary goal is technical assistance directed to all phases of solid waste management. Most notably, the PCAS runs a very successful Solid Waste Operator Training Program, which certifies operators of solid waste facilities. Having served over 1,500 operators, this training program provides instruction on safety practices, waste collection and processing techniques, "hands-on" facility tours, and "cross-over" topics into concerns generated from other agencies, such as Department of Labor inspections. The program culminates in a popular solid waste conference, typically held in the fall.

The PCAS serves as a clearinghouse for information such as waste generation and flow, wood ash management, facility design and operation, and national issues. The PCAS maintains a Web page containing fact sheets, GIS maps, and on-line registration for training courses. Additionally, the PCAS maintains hard copies of fact sheets, reports, and lists of facilities. PCAS staff also visit over a hundred facilities a year to provide assistance and information.

Recycling is an important focus of the PCAS. In addition to publishing the annual report to the Legislature documenting progress in reaching recycling benchmarks, the PCAS works with selectmen and facility operators to implement or improve recycling programs. PCAS staff also participate in the committees of other organizations such as the Recycling Market Development Steering Committee, the marketing committee of the Northeast Resource Recovery Association, the Northeast Recycling Council, and the Northeast Waste Management Officials Association. Finally, the PCAS is in its third year of promoting *America Recycles Day - NH*; a successful tool to encourage recycling by the general public.

6. Storage Tank Programs

The Storage Tank Programs (underground and aboveground) have the responsibility for conducting compliance activities for regulated storage tanks. These programs regularly provide assistance to facility owners in the form of guidance on how to use compliance self-audit form, data interpretation of monitoring equipment test results, notification of facility-specific deadlines for equipment upgrades, one-on-one training on filling out monitoring reports, and clearinghouse of information on equipment operations. Assistance to a facility owner is usually provided during and following an inspection, but in many cases it is provided in response to telephone calls. Technical assistance is provided to design engineers and system installers in the form guidance on meeting the DES requirement and guidance on applying industry standards for tank design and installation, such as the standards developed by American Society for Testing and Materials, National Fire Protection Association and American Petroleum Institute.

7. Site Remediation Programs

The Hazardous Waste Remediation and Petroleum Remediation programs are responsible for overseeing long-term remediation of contaminated sites. This involves project management and Groundwater Management Permit oversight to ensure that sites move through investigation to cleanup and site closure in a timely and cost-effective manner. Technical assistance to owners of contaminated properties is provided in the form of guidance on meeting DES requirements and

selecting an environmental consultant, assistance in determining eligibility for any State funds that may help finance the cleanup, and assistance in eliminating barriers to real estate transactions or obtaining bank loans by providing information to financial institutions or prospective owners on cleanup status and environmental liability associated with the site. These programs also serve as a clearinghouse of information on treatment technologies.

New Hampshire's Brownfields Program is designed to provide incentives for environmental cleanup and redevelopment of contaminated sites by persons who did not cause or contribute to the contamination. Brownfields typically are properties which have been underused or abandoned due to environmental contamination. Historically, prospective new owners, financial institutions, and municipalities have avoided involvement with these properties due to actual or potential liability for existing environmental contamination. The result contributes to the urban blight created by abandoned industrial properties. As a direct result, the unnecessary commercial development of pristine "greenfields", such as farms and forest lands, has occurred, creating urban sprawl. The incentive for environmental cleanup and redevelopment is accomplished under a process by which eligible persons can obtain a "Covenant Not to Sue" from the AGO and a "Certificate of Completion" from DES when investigations and cleanups are performed in accordance with DES cleanup requirements.

C. Water Division

Wastewater, including Industrial Pretreatment Program

In the Water Division's wastewater treatment program, technical assistance is a very cost-effective way to preserve and maintain the \$1 billion of wastewater infrastructure in New Hampshire. To be most effective, wastewater treatment facilities must be operated and maintained efficiently. Such complex and expensive investments will operate efficiently only if those who operate them have appropriate knowledge and training. Under Section 104(G) of the Clean Water Act, EPA was authorized to initiate a program to address non-compliance problems at wastewater treatment facilities by providing on-site technical assistance and technical training. This hands-on assistance, provided through and by DES, has helped many communities address and correct compliance issues.

Compliance issues associated with wastewater treatment facility operations and/or reporting are, in many instances, referred to the Operations Section of the Water Division for technical assistance. This is particularly true for facilities owned by small communities. Depending on the seriousness of the violation(s) and whether they are recurring, assistance may be provided concurrently with an enforcement action. Operations staff work closely with a facility to develop an evaluation of the problem(s) that led to the violation(s), suggest possible solutions, and implement technical corrective action in an effort to move the facility into complete compliance.

Another approach to technical assistance developed by the DES Wastewater Operations section is the "round table" discussion group. This technique involves bringing operators interested in specific problems together to participate in an informal setting to openly address and discuss the problems. Operators receive continuing education units for participating, which apply toward the requirements for operator certification and renewal. Occasionally, outside experts are

invited to speak and solutions to particular problems are exchanged through presentations and collective brainstorming and problem solving.

Since 1981, classroom training has been available to New Hampshire's wastewater professionals under a grant provided by the Clean Water Act and funded through EPA. The DES training center, the first of its kind in the northeast, is located on the grounds of the state-run Winnepesaukee River Basin Program's Franklin Regional Wastewater Treatment Facility. Courses offered range from basic entry level training to advanced courses in a multitude of subject areas, including record keeping, safety, process technology, electrical and mechanical troubleshooting and maintenance, energy conservation, and laboratory analysis.

DES's Industrial Pretreatment Program ("IPP") works closely with EPA to provide assistance to municipalities that are required by their federal wastewater discharge (NPDES) permits to implement a pretreatment program for local industries. DES works closely with the municipality and affected industry to evaluate problems which led to or which may lead to violations and suggest possible solutions. DES's IPP Coordinator also works with municipalities to develop appropriate Sewer Use Ordinances so as to better control what comes into the public wastewater treatment facility.

DES personnel at the state-owned/operated wastewater treatment facility in Franklin (the Winnepesaukee River Basin Program) directly implement an industrial pretreatment program for industrial users of the facility.

2. Drinking Water/Source Water Protection

The Water Supply Engineering Bureau (WSEB) administers the state's Combined Grade IA Operator License exam for owners and/or operators of small public water systems. The WSEB, in cooperation with the Northeast Rural Water Association, offers a Small Public Water Systems Operator Training Seminar for owners and/or operators of water systems such as those found at residential condominiums, mobile home parks, schools, and commercial buildings. This course is offered semi-annually and is designed to provide information on the theory and practical knowledge required to maintain and operate a small water system, in addition to assisting individuals interested in becoming certified operators prepare for the state certification exam. Topics covered include sampling protocol, basic water chemistry, the Safe Drinking Water Act, and water system components to various types of water storage, pipes, pumps, and valves.

The WSEB also offers a comprehensive course on the design, operation, and maintenance of municipal public water systems in preparation for the large systems operator exam, which the state also administers. The course provides in-depth exposure to all areas associated with the operation of a municipal-sized water system. The subject matter in this course covers an array of disciplines such as hydraulics, drinking water microbiology, disinfection processes and equipment, safety concerns, and legal and enforcement issues.

In addition to the formal courses described above, the WSEB also offers seminars on topics such as Regulatory Update for Municipal Drinking Water Systems and Preparing Consumer Confidence Reports. These classes enable water operators to maintain their certifications by offering Continuing Education Units (CEU's) upon completion of the seminar.

3 Wetlands

The Wetlands Bureau, in cooperation with public and private organizations such as the Department of Forest and Lands and the NH Timber Harvesting Council, offers a variety of technical assistance to various environmental disciplines. Technical assistance in the areas of wetlands identification and delineation, regulation, and minimum impact notification have proven to be extremely valuable to foresters, wetlands scientists, and engineering consultants.

4. Subsurface Systems

The Subsurface Systems Bureau (SSB) is responsible for reviewing permit applications and issuing or denying permits that govern approximately 80-85% of all development that occurs within the state. The SSB also administers the examination twice each year for licensing both installers and designers of septic systems. To assist potential designers and installers in passing the exam, the SSB offers a review seminar prior to each exam to address each applicant's questions and concerns. The SSB also works with the Department of Health and Human Services Health Officer Liaison to provide training to local health officers twice each year.

5 Alteration of Terrain

The Site Specific (alteration of terrain) Program is intended to protect New Hampshire surface waters by controlling soil erosion and managing storm water runoff from developed areas. A permit is required whenever a project proposes to disturb more than 100,000 square feet (50,000 square feet if within the protected shoreland). Because the permit contains erosion control provisions that must be met during project construction and provisions that regulate the rate of discharge and quality of stormwater from the project, the preparation of the application can become very involved and detailed-oriented.

The Site Specific program offers technical assistance on an as-needed basis to consultants, engineers, environmentalists, and other individuals that request such information. DES technical personnel are available to discuss proposed projects on a preliminary basis prior to submission of the application so as to assure compliance with the program. In addition, technical consultants have proven to be extremely valuable to area conservation districts by giving presentations on regulatory updates.

6. Shoreland Protection

The Comprehensive Shoreland Protection Act (CSPA) was enacted to maintain the integrity and exceptional quality of the state's public waters. When repairs, improvements or expansions are proposed to existing development, the law requires these alterations to be consistent with the intent of the CSPA.

To assist the regulated community to comply with the CSPA, the Shoreland Protection Program provides consultation and technical assistance on an as-needed basis to the public including, but not limited to, engineers, scientists, landscape architects, and homeowners. Field consultations by DES staff are also available upon request.

The Program also does extensive outreach to municipalities, as local officials are the “first line of defense” when it comes to protecting shorelands and ensuring compliance with the CSPA.

7. Dam Safety

The Dam Bureau is responsible for conducting dam safety inspections, operating DES-owned dams, and reconstructing State-owned dams. This program regularly provides assistance to dam owners in the form of guidance on how to implement DES-requested repairs to ensure the integrity of their dams. Assistance to a dam owner is generally provided during and following an inspection, but in many instances is provided in response to a telephone call. Technical assistance and outreach also is provided to dam owners and consulting engineers in the form of workshops, fact sheets, and newsletters.

8. Exotic Aquatic Species Program

The Exotic Aquatic Species Program was developed to prevent the further spread of exotic aquatic plants in the state and to manage existing infestations of these plants in the waterbodies of the state. By prohibiting activities such as the sale, distribution, importation, purchase, propagation, transport, or introduction of exotic plants, the numbers of newly infested waterbodies should begin to decline.

To assist the public in understanding new legislation and regulations, as well as the ecological, economic, and aesthetic threats posed by these plants, numerous educational activities are offered by the Exotic Aquatic Species Program upon request. Outreach activities such as presentations, fact sheet and pamphlet development, and the development of the “Weed Watchers Program” are all activities to target lake associations, towns, retailers, and water recreationalists.

Further, through the designation of Restricted Use Areas on selected waterbodies, infestations are kept in localized areas due to the reduction of plant fragmentation which results from boating and other recreational activities through these areas.

10. Public Bathing Facilities

The Public Bathing Facility (“PBF”) program reviews design applications and issues permits for all PBFs, including swimming pools, spas, wading pools, therapy pools, and special recreation pools. The PBF program also conducts an extensive inspection program. The inspection program is designed to help establishments such as hotels, motels, water parks, campgrounds, health clubs, and condominiums comply with applicable PBF requirements, so as to protect the health and safety of the patrons that use New Hampshire’s PBFs. The PBF program offers technical assistance on an as-needed basis to the public, pool installers, municipalities, owners, and operators.

11. Marine Toilets and Disposal of Sewage from Boats

NH RSA 487:2 states that “[n]o marine toilet on any boat operated upon waters of the state shall be so constructed and operated as to discharge any sewage into said waters either directly or indirectly...”

DES has a seasonal boat inspection program largely focused on Lake Winnepesaukee, but with jurisdiction on any lake having large boats with on-board toilet facilities. The focus of the program is on pollution prevention via boat inspections to ensure that the facilities comply with the law. Seasonal DES inspectors visit all marinas by car or boat and also screen the shoreline for boats at private docks or moorings. When an occupied, un-inspected boat is discovered, the inspector requests permission to board and check for compliance with RSA 487. Sources of wastewater are identified, and the plumbing is traced to the final destination, such as a holding tank. Particular attention is given to identifying plumbing which could be used for overboard discharge, such as Y or T connections. Boats found in compliance are issued a DES inspection decal. Boaters found in violation are notified of the specific violation and have 48 hours to fix the problem.